

# EXHIBIT C

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AGIS Software Development LLC

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

AGIS SOFTWARE DEVELOPMENT  
LLC,

*Plaintiff,*

*v.*

GOOGLE LLC.,

*Defendant.*

Case No. 5:22-cv-04826-BLF

**PLAINTIFF’S SUPPLEMENTAL  
PRELIMINARY CLAIM  
CONSTRUCTIONS AND  
EXTRINSIC EVIDENCE UNDER  
LOCAL PATENT RULE 4-2**

Pursuant to Local Patent Rule 4-2 and the Court’s November 27, 2023 Order (Dkt. 484), Plaintiff AGIS Software Development LLC (“Plaintiff”) hereby discloses to Defendants Google LLC and Waze Mobile Limited (collectively,

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1 “Defendants”) its supplemental preliminary proposed constructions and extrinsic  
2 evidence for supplemental claim construction proceedings regarding U.S. Patent  
3 9,749,829 (the “’829 Patent”). Each proposed construction for each term is  
4 presented in the attached Exhibit A.

5 Plaintiff reserves the right to supplement, modify, or alter the preliminary  
6 claim constructions and identification of intrinsic and extrinsic evidence in view of  
7 any further discovery and investigations regarding these terms and any  
8 developments arising from the meet-and-confer process consistent with the Local  
9 Patent Rules. Plaintiff reserves all of its rights and does not waive any proposed  
10 construction, defense, or position by the submission of this disclosure. In addition to  
11 the evidence referenced herein, Plaintiff reserves the right to rely upon any and all  
12 forms of intrinsic evidence, including but not limited to references cited in the  
13 prosecution histories. In addition, Plaintiff reserves the right to rely on any evidence  
14 produced by Defendants, including testimony and/or declarations of one or more  
15 percipients or expert witnesses. For certain claim terms, Plaintiff may rely upon the  
16 expert opinion testimony of Mr. Joseph McAlexander to support its proposed claim  
17 constructions in the form of declarations and/or live testimony at the claim  
18 construction hearing, should the Court so desire.

19 DATE: December 15, 2023

Respectfully submitted,

20 **RUSS AUGUST & KABAT**

21 By: /s/ Minna Y. Chan

22 Benjamin T. Wang

23 Minna Y. Chan

24 *Attorneys for Plaintiff*

25 **AGIS SOFTWARE DEVELOPMENT LLC**

**CERTIFICATE OF SERVICE**

I certify that counsel of record for Defendants are being served with a copy of this document via Electronic Mail on December 15, 2023.

/s/ Minna Y. Chan

Minna Y. Chan

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**Exhibit A – Plaintiff’s Proposed Constructions**

#	Term/Phrase	Plaintiff’s Proposed Construction & Evidence
1.	“remote control” / “remotely controlling” (’829 Patent, claims 1, 14, 34, 35, 50, 68)	<p>Plain and ordinary meaning, <i>e.g.</i>, caus[e/ing] one or more other devices to perform an action. Non-limiting examples of said action may include: execute or activate software, play audio, initiate call, vibrate, change sound level, display information, report location, and report status.</p> <p><u>Intrinsic Evidence</u>  ’829 Patent at 2:4-7, 2:57-3:14, 3:15-27, 3:28-33, 3:34-38, 3:46-4:14, 5:13-23, 5:25-29, 7:52-8:3, 9:14-26, 9:40-47, 9:48-63, 12:65-13:7, 13:21-44; 13:53-57, 13:58-67, 14:1-11, claims 1-68.</p> <p>’728 Patent at Abstract, Fig. 3, 2:18-54, 3:62-5:8, 5:55-6:4, 6:5-28, 6:37-40, 6:61-67, 9:52-10:6, 10:7-11, 11:43-55, 11:56-64, claims 1-15.</p> <p><u>Extrinsic Evidence</u>  Testimony of Mr. Joseph McAlexander.</p> <p>Plaintiff reserves the right to rely on evidence identified by Defendants.</p>
2.	“group” (’829 Patent, claims 1, 34, 35, 68)	<p>“more than two participants associated together” with a clarification that the word “participants” in the construction of the term “group” comprises devices and is not limited to users.</p> <p><u>Intrinsic Evidence</u>  ’829 Patent at Figs. 6, 7, 9, 10; 1:33-46, 1:47-51, 2:57-3:14, 3:15-27, 3:28-33, 3:39-45, 3:46-4:15, 4:16-24, 4:25-35, 4:36-40, 5:13-22, 5:25-29, 6:24-58, 6:59-7:8, 8:4-39, 8:40-42, 8:43-63,</p>

**Exhibit A – Plaintiff’s Proposed Constructions**

#	Term/Phrase	Plaintiff’s Proposed Construction & Evidence
		<p>9:14-26, 9:27-39, 10:18-34, 11:19-33, 11:63-66, 12:42-55, 12:56-64, 12:65-13:7, 13:21-44, claims 1-68.</p> <p>’728 Patent at 1:37-2:4, 3:44-56, 3:62-5:8. 6:34-36, 6:37-40, 6:41-46.</p> <p><u>Extrinsic Evidence</u> Testimony of Mr. Joseph McAlexander.</p> <p>Supplemental Claim Construction Proceedings in <i>AGIS Software Development LLC v. Samsung Electronics Co. Ltd. et al</i>, Case No. 2:22-cv-00263 (E.D. Tex.) at Dkts. 129, 129-1, 129-2, 129-3, 145, 145-1, 145-2, 145-3, 156 – and all evidence and support relied therein.</p> <p>Plaintiff reserves the right to rely on evidence identified by Defendants.</p>